

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHAWN TRAMPE,)	CASE NO. 4:24-CV-03041
)	
Plaintiff,)	
)	
vs.)	ANSWER and
)	AFFIRMATIVE DEFENSES
HY-VEE, INC.,)	
)	
Defendant.)	
)	

Defendant Hy-Vee, Inc. ("Hy-Vee") hereby admits, denies, and alleges as follows for its Answer to the Complaint filed by Shawn Trampe:

RESPONSES TO PLAINTIFF'S ALLEGATIONS

1. Upon information and belief, Hy-Vee admits paragraph 1 of Plaintiff's Complaint.
2. Hy-Vee admits that it was conducting business within the State of Nebraska, and further admits it operated a grocery store located at 16418 Westside Drive, Plattsmouth, Nebraska ("Store"). Hy-Vee denies the remaining allegations contained in paragraph 2 of Plaintiff's Complaint, and alleges it is a corporation incorporated under the laws of the State of Iowa and maintains its principal place of business in West Des Moines, Iowa.
3. Hy-Vee admits Plaintiff visited the Store on or about January 26, 2020. Hy-Vee lacks sufficient information to admit or deny the remaining allegations contained in paragraph 3 of Plaintiff's Complaint, for which reason they are denied.
4. Hy-Vee admits Plaintiff exited his vehicle, began walking, and fell. Hy-Vee denies the remaining allegations contained in paragraph 4 of Plaintiff's Complaint.
5. Hy-Vee denies the allegations contained in paragraph 5 of Plaintiff's Complaint, including sub-paragraphs 5.a through 5.c.

6. Hy-Vee denies the allegations contained in paragraph 6 of Plaintiff's Complaint, including sub-paragraphs 6.a through 6.g.
7. Hy-Vee is without sufficient information to admit or deny the allegations contained in paragraph 7 of Plaintiff's Complaint, for which reason they are denied.
8. Hy-Vee denies, generally and specifically, all other allegations contained in Plaintiff's Complaint except those previously and expressly admitted.

AFFIRMATIVE DEFENSES

9. Hy-Vee alleges that Plaintiff's Complaint fails to state a claim upon which relief can be granted against it.
10. Hy-Vee alleges that any injury or damage which Plaintiff may have sustained was proximately caused or contributed to by the negligence of Plaintiff in a degree sufficient to reduce or bar recovery.
11. Hy-Vee alleges that Plaintiff has failed to mitigate his damages.
12. Hy-Vee alleges that Plaintiff assumed the known risk of harm.

Hy-Vee reserves the right to supplement these Affirmative Defenses as discovery progresses to the fullest extent allowed by law and the Court.

JURY DEMAND

Hy-Vee requests trial by jury on all issues.

WHEREFORE, Defendant requests that Plaintiff's Complaint be dismissed, with prejudice and at Plaintiff's costs.

HY-VEE, INC., Defendant,

By: Baylor Evnen Wolfe & Tannehill, LLP
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By: /s/ Christopher M. Schmidt
Christopher M. Schmidt, # 26096

CERTIFICATE OF SERVICE

I hereby do certify that I am one of the attorneys of record for the Defendant and that on February 27, 2024, I electronically filed the foregoing Answer and Affirmative Defenses with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

Mandy Strigenz
Nebraska Justice Law Firm
mandy@nebjustice.com
Attorney for the Plaintiff

/s/ Christopher M. Schmidt
Christopher M. Schmidt, # 26096

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